1945 K File No. Agrl Debtors Relief II/45

Legal Dept-

B BRANCH

Subject:— Rules and Notifications under the Bombay Agricultural Debtors Relief Act 1939

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File No. Agrl Debtors Relief II/45

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A revised draft is sent herewith.

2 After the proposed amendment of rule 6(1), when the Board consists of one person, who is a legal practitioner, he must have practised for 5 years; while when the Board consists of more than one person under sub-rule (2)(b) the Chairman if he is a legal practitioner must have practised for at least 10 years. Revenue Department might consider whether the period of 10 years in rule 6(2)(b) may not be reduced to 5 years to remove the anomaly.

Id./.... 11-4-45

Remembrancer of Legal Affairs.

U.R. to R.D.No. 2820, dated the 11th April 1945.

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Notification.

Revenue Department,
Bombay Castle, April 1945.

Bombay Agricultural Debtors Relief Act, 1939.

No. - The following draft of a notification which it is proposed to issue under section 83 of the Bombay Agricultural Debtors Relief Act, 1939(Bom. XXVIII of 1939), is published as required by sub-section(3) of the said section 83 for the information of all persons affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after 1945.

2 Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Revenue Department from any person with respect to the said draft on or before the aforesaid date will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section 83 of the Bombay Agricultural Debtors Relief Act, 1939(Bom.XXVII of 1939), the Government of Bombay is pleased to amend the Bombay Agricultural Debtors Relief Rules, 1941, as follows, namely:-

To sub-rule(1)of rule 6 of the said rules, the following shall be added, namely:-

"or who has been practising as a legal practitioner for a period of not less than five years".

By order of the Governor of Bombay,

Secretary to Government.

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III

NOTIFICATION.
Revenue Department,
Bombay Castle, April 1945.

Bombay Agricultural Debtors Relief Act, 1939.

No. :- In exercise of the powers conferred by clause (b) of sub-section (1) of section 5 of the Bombay Agricultural Debtors Relief Act, 1939(Bom.XXVIII of 1939), and in partial modification of Government Notification in the Revenue Department No. 3791/33(a), dated the 14th April 1942, the Government of Bombay is pleased to remove Mr..... and appoint Mr. A.K.Pathan, B.A.,LL.B., as the person constituting the Board established under the said notification.

By order of the Governor of Bombay,

Secretary to Government.

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IV

NOTIFICATION.
Revenue Department,
Bombay Castle, 1945.

No. - In exercise of the powers conferred by clause (b) of sub-section (1) of section 5 of the Bombay Agricultural Debtors Relief Act, 1939(Bom. XXVIII of 1939), and is partial modification of Government Notification in the Revenue Department No. 3791/33(a), dated the 23rd December 1941, in so far as it relates to the Bulsar Taluka and Pardi Mahal Debt Adjustment Board, the Government of Bombay is pleased to remove Mr..... and to appoint Mr. B.L.Gadkari, B.A.,LL.B., as the person constituting the said Board.

Bombay Agricultural Debtors Relief Act, 1939.

By order of the Governor of Bombay,

Secretary to Government.

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V

NOTIFICATION
BOMBAY CASTLE, April 1945.

No. - In exercise of the powers conferred by sub-section(1)of section 4 and clause(a)of sub-section(1)of section 5 of the Bombay Agricultural Debtors Relief Act, 1939(Bom. XXVIII of 1939)and in supersession of Government Notification in the Revenue Department, No. 3791/33(a), dated the 4th April 1942, the Government of Bombay is pleased to dissolve the Debt Adjustment Board for the Dahanu and Shahapur talukas of the Thana District established under the said notification and to establish the Debt Adjustment Boards for the areas specified in column 1 of the Schedule annexed hereto consisting of the persons respectively specified against them in column 2 thereof.

Bombay Agricultural Debtors Relief Act, 1939.

SCHEDULE.

Area	Person constituting the Boar-
1	2

By order of the Governor of Bombay,

Secretary to Government.

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Attention is invited to the portion of the R.D. note at p. 53 marked 'D' where it is proposed that the provisions of the Act are to come into force in the new areas from 1st May the second notification establishing Boards under section 4 cannot legally issue till the 1st May, i.e. after the provisions of the Act come into force.

2 There are at present 8 Debt Adjustment Boards. It is proposed to have 43 new Boards. The first draft notification at p. 31 extends the provisions of the Act which do not automatically apply to these new areas. As amended in R.D. and as further amended it is inorder.

3 The second draft notification at pages 33-35 ante establishes Boards for the new areas as well as the existing areas. This is incorrect.

4 In the case of some of the existing Boards, for instance that for Dohad taluka and Jhalod mahal, it is proposed to change the person constituting the Board. Action for this purpose must be taken under section 5(1)(b). Two model draft notifications are sent herewith(vide drafts III and IV). Such cases should be excluded from the draft notification at page 33.

5 Secondly, the draft at page 33 also includes cases where the areas of existing Boards are split up and distributed between more than one new Board. For instance, the area of the Board for Dahanu and Shahapur talukas is to be split up into that for two Boards, namely one for Dahanu taluka and Umbergaon and Mokhada petas, and the other for Shahapur and Murbad talukas. Such cases will fall under section 5(1)(a). A model draft for the purpose accompanies(vide draft V). Where areas in which Debt Adjustment Boards did not exist are not concerned reference to section 4(1) will be unnecessary e.g. in the case of Nawapur and Nandurbar and should therefore be deleted before publication

of the relevant notification.

6 The Bombay Agricultural Debtors Relief(Amendment) Act, 1945(Bom. VIII of 1945) provides that the amendments made in the principal Act by certain sections of the said Act shall apply to proceedings for adjustment of debts pending before a Board on the date of the coming into force of that Act. Section 31 of the Act inserts a new section 67A and section 34 of that Act inserts a new section 73A in the principal Act. These section were not in the principal Act at the time when the 'remaining' provisions of the Act were extended to the areas of the existing Boards. It will therefore be necessary to extend to and bring into force in the said areas section 67A and 73A.

Id./..... 25/4/45

Remembrancer of Legal Affairs.

U.O. to R.D.. No. 3256, dated the 26th April 1945.

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By section 1 of the Bombay Agricultural Debtors Relief Act 1939. certain sections of the Act mentioned therein have been extended to and brought into force in the whole of the Province of Bombay.. The remaining provisions of the Act (including section 29 of the Act)can be extended to and brought into force in any area by notification in the Official Gazette. The areas to and in which other sections of the Act have been extended and brought into force are specified in G.N.R.D. No. 3791/33, dated the 23rd December 1941 and No. 9402/39, dated the 28th April 1945. The areas have been referred to in terms of talukas and mahals or petas as constituted by the Land Revenue Code and must be deemed to extend to talukas, mahals and petas as constituted on the date of the relevant notification. The villages subsequently added to any of the said talukas, mahals or petas will not be automatically governed by the provisions of the Bombay Agricultural Debtors Relief Act Nor will the position of any village to which either of the notifications applies by virtue of its having been included ina taluka, mahal or peta, at the date of the notification, change merely by reason of its being subsequently included in some other taluka, peta or mahal to which neither notification applies. So also the jurisdiction of the Boards having been notified under sub-section (1) of section 4 of the Act in terms of talukas, mahals and petas(by G.N.R.D.No. 9402/39 dated the 1st May 1945) changes in the territorial limits of the talukas, mahals and petas subsequent to the date of the notification establishing them will not in the absence of action under the Bombay Agricultural Debtors Relief Act affecte it.

2 Par 4(a) of R.D. note at p.14- The Board will continue to exercise jurisdiction over the village included in Khed taluka on the 1st May 1945 unless the Board is dissolved by a notification issued under section 5 of the Bombay Agricultural Debtors Relief Act, 1939. By G.N.R.D.No.9922/39(c) dated the 3rd July 1945, 18 villages from Khed taluka and 23

villages from Junnar taluka were transferred to and formed part of the Ambegaon taluka. To get cases from the 18 villages, which were part of Khed taluka, transferred from the Khed Board to the Junnar-Ambegaon Board in the same district, recoursemay be had to section 29 of the Act; the District Judge of the district may be requested by executive instructions to effect the transfer. There will not be any fresh applications to the Debt Adjustment Board for Khed taluka from the 18 villages referred to, as the period of making applications to the Board has expired(vide section 17(1) read with G.N.,R.D.No. 3791/33(a) dated the 23rd December 1941).

3 Since a Debt Adjustment Board for Junnar taluka and Ambegaon Peta has already been established by G.N.R.D.No.9402/39(a), dated the 1st May 1945 it is not now necessary to order that debtors and creditors in the 23 villages of Junnar taluka, which were transferr to Ambegaon taluka, should apply to the Debt Adjustment Board for Junnar and Ambegaon. The Board is already seized of the proceedings and nothing more remains to be done.

4 Para. 4(b) of R.D. note at p. 14 - For the reasons stated in para. 1 above, to give effect to the R.D.proposal, the District Judge of the district may be requested by executive instructions to transfer under section 29 pending applications from those villages of the old Nandurbar taluka that have been transferred to Nawapur, to the Nawapur Debt Adjustment Board.

5 Para. 5 of R.D.note at p. 15 and Secretary, R.D.'s marginal note - The Board may merely be informed of the position by a letter. No notification need issue.

6 Para. 7(i)(ii) and (iv) of the R.D.note at p. 16 and the Secretary, R.D.'s note at p. 17- The remarks in para. 5 above equally apply to the proposal in para.1 of the note of the Secretary, Revenue Department. The Debt Adjustment

Board for Nevasa taluka continues to exercise jurisdiction over the 18villages transferred from Nevasa taluka to the newly created Belapur taluka and the Debt Adjustment Board for Akola and Sangamner continues to exercise jurisdiction over 20 villages transferred from Sangamner taluka to the Belapur taluka and the seven villages transferred to Kopargaon and Rahuri talukas. Similarly the Debt Adjustment Board for Nagar and Parner talukas continues toexercise jurisdiction over villages Guhjal even though it is transferred to Rahuri taluka.

7 Para. 7(iii)and (v) of R.D.note- For the reasons stated in para. 1 above, the Debt Adjustment Board for Nagar and Parner talukas continues to exercise jurisdiction over the 13 villages transferred from Nagar taluka to Pathardi taluka and over Vanjuli village transferred to Nevasa taluka. Recourse may be had to the Provisions of section 29 in this case also.

8 Para. 7(vi) of R.D. note at p. 16- The view taken by R.D. is correct.

Id./..... 26/9/45
Remembrancer of Legal Affairs.

U.R. to R.D., No.7119, dated the 27th September 1945

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SMR 17/7

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